

Environmental Protection Agency

§ 35.400

be funded are coordinated, as appropriate, with activities proposed for funding under sections 106 and 205(j) of the Clean Water Act.

WATER QUALITY MANAGEMENT PLANNING (SECTION 205(J)(2))

§35.350 Purpose.

Sections 205(j)(2) and 518 of the Clean Water Act authorize assistance to States (as defined in section 502 of the Act) and to eligible Indian Tribes to carry out water quality management planning activities. Some of these activities may be eligible for funding under sections 106 and 205(g) of that Act. (See §§35.250 and 35.300.) Program requirements for water quality management activities are provided in 40 CFR part 35, subpart G. The purpose of 205(j) funds includes, but is not limited to, the following.

(a) Identification of the most cost-effective and locally acceptable facility and nonpoint measures to meet and maintain water quality standards.

(b) Development of an implementation plan to obtain State and local financial and regulatory commitments to implement measures developed under paragraph (a) of this section.

(c) Determination of the nature, extent, and causes of water quality problems in various areas of the State and interstate region.

(d) Determination of those publicly owned treatment works which should be constructed with Federal assistance, in which areas and in what sequence, taking into account the relative degree of effluent reduction attained, the relative contributions to water quality of other point or nonpoint sources, and the consideration of alternatives to such construction.

(e) Implementation of section 303(e) of the Clean Water Act.

[47 FR 44954, Oct. 12, 1982, as amended at 54 FR 14358, Apr. 11, 1989; 59 FR 13817, Mar. 23, 1994]

§35.355 Maximum Federal share.

The Regional Administrator may provide up to one hundred percent of the approved work program costs.

§35.360 Limitations.

(a) The Regional Administrator will not award section 205(j)(1) funds to a State agency unless the agency develops its work program jointly with local, regional, and interstate agencies and gives funding priority to such agencies and designated or undesignated public comprehensive planning organizations to carry out portions of that work program.

(b) The Regional Administrator will not award section 205(j)(1) funds to a State agency which does not report annually on the nature, extent, and causes of water quality problems in various areas of the State and interstate region.

(c) The Regional Administrator will not award section 205(j)(1) funds unless the work program submitted with the assistance application shows that the activities to be funded are coordinated, as appropriate, with activities proposed for funding under sections 106 and 205(g) of the Clean Water Act.

[47 FR 44954, Oct. 12, 1982, as amended at 54 FR 14358, Apr. 11, 1989]

§35.365 Awards to Indian Tribes.

(a)(1) The Regional Administrator will not award section 205(j)(1) funds to an Indian Tribe unless the Tribe meets the requirements set forth at 40 CFR 130.6(d), as well as the applicable limitations in 40 CFR 35.360.

(2) [Reserved]

(b) The Regional Administrator will not give a continuation award to any Indian Tribe unless the Tribe shows satisfactory progress in meeting its negotiated milestones and goals.

[54 FR 14358, Apr. 11, 1989, as amended at 59 FR 13817, Mar. 23, 1994]

PUBLIC WATER SYSTEM SUPERVISION (SECTION 1443(A))

§35.400 Purpose.

Sections 1443(a) and 1451(a)(3) of the Safe Drinking Water Act authorize assistance to States and eligible Indian Tribes under Public Water System Supervision Programs. Associated program regulations are found in 40 CFR parts 141, 142, and 143.

[53 FR 37409, Sept. 26, 1988, as amended at 59 FR 13817, Mar. 23, 1994]

§ 35.405 Maximum Federal share.

(a) The Regional Administrator may provide up to seventy-five percent of the approved work program costs.

(b) The Regional Administrator may increase the 75 percent maximum Federal share for an Indian Tribe based upon application and demonstration by the Tribe that it does not have adequate funds (including Federal funds authorized by statute to be used for matching purposes), Tribal funds, or in-kind contributions to meet the required 25 percent Tribal match. In no case shall the Federal share be greater than 90 percent.

[47 FR 44954, Oct. 12, 1982, as amended at 53 FR 37409, Sept. 26, 1988]

§ 35.410 Limitations.

(a) The Regional Administrator will not make an initial award of section 1443(a) funds unless the applicant has a public water system supervision program or will establish one within a year of the award and will assume primary enforcement responsibility for the State's public water systems within that year.

(b) The Regional Administrator will not award section 1443(a) funds after the initial award unless the applicant has primary enforcement responsibility for the State's public water systems.

(c) The limitations in paragraphs (a) and (b), of this section do not apply to funds allotted to Indian Tribes.

[47 FR 44954, Oct. 12, 1982, as amended at 53 FR 37409, Sept. 26, 1988]

§ 35.415 Indian Tribes.

(a) The Regional Administrator will not award initial section 1443(a) funds to an Indian Tribe unless:

(1) EPA has determined that the Indian Tribe meets the requirements of 40 CFR part 142, subpart H; and

(2) The applicant has a Public Water System Supervision Program or agrees to establish one within three years of the initial award and agrees to assume primary enforcement responsibility within this period. Upon agreement by the applicant, at least one year of the grant funding will be used to demonstrate program capability to implement the requirements found in § 142.10.

(b) The Regional Administrator shall not give a continuation award to any Indian Tribe unless the Tribe can demonstrate reasonable progress towards assuming primary enforcement responsibility within the three-year period.

(c) After the three-year period expires, the Regional Administrator shall not award section 1443(a) funds to an Indian Tribe unless the Tribe has assumed primary enforcement responsibility.

[53 FR 37409, Sept. 26, 1988, as amended at 54 FR 52137, Dec. 20, 1989; 59 FR 13817, Mar. 23, 1994]

UNDERGROUND WATER SOURCE
PROTECTION (SECTION 1443(B))

§ 35.450 Purpose.

Section 1443(b) of the Safe Drinking Water Act authorizes assistance to States and eligible Indian Tribes under Underground Water Source Protection Programs. Associated program regulations are found in 40 CFR parts 124, 144, 145, 146, and 147.

[53 FR 37409, Sept. 26, 1988, as amended at 59 FR 13817, Mar. 23, 1994]

§ 35.455 Maximum Federal share.

(a) The Regional Administrator may provide up to seventy-five percent of the approved work program costs.

(b) The Regional Administrator may increase the 75 percent maximum Federal share for an Indian Tribe based upon application and demonstration by the Tribe that it does not have adequate funds (including Federal funds authorized by statute to be used for matching purposes), Tribal funds, or in-kind contributions to meet the required 25 percent match requirement. In no case shall the Federal share be greater than 90 percent.

[47 FR 44954, Oct. 12, 1982, as amended at 53 FR 37409, Sept. 26, 1988]

§ 35.460 Limitations.

After September 30, 1983, the Regional Administrator will not award section 1443(b) funds unless the applicant has primary enforcement responsibility for the Underground Water Source Protection program. The above